THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.11476 OF 1998

DATED: 22-03-2007

Between :

1. Devla Naik and 10 others. ... Petitioners

And

1. The Commissioner of Land Revenue, Andhra Pradesh, Hyderabad., and 11 others. .. Respondents

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.11476 OF 1998

ORDER :

This writ petition is filed to declare the order passed by the District Revenue Officer, R.R. District, dated 27-3-1995 as confirmed by the Commissioner of Land Revenue by proceedings dated 27-2-1998 thereby upholding the assignment of land to an extent of Ac.16-13 gutas in Sy.No.25 of Maqtha Venkatapur Village, Kulkacherla Mandal, R.R. District in favour of the respondents 5 to 12 as arbitrary and illegal.

I have heard the learned Counsel for the petitioners as well as the learned Government Pleader appearing for the respondents.

The petitioners herein claim to have been in possession and enjoyment of the land admeasuring Ac.16-13 guntas in Sy.No.25 of Maqtha Venkatapur Village, Kulkacherla Mandal, R.R. District for the past several years. While so, the 3rd respondent – Revenue Divisional Officer by order dated 12-8-1986 granted assignment in favour of the respondents 5 to 12 herein in respect of the land in possession of the petitioners. Aggrieved by the same, the petitioners made a representation before the Government of Andhra Pradesh alleging that the assignments in favour of the respondents 5 to 12 are irregular and in violation of the statutory rules. The representation was referred to the District Revenue Officer, R.R. District for enquiry. After hearing both the parties the District Revenue Officer, by order dated 27-3-1995 dropped the proceedings holding that the claim of the petitioners that they are the legal heirs of protected tenants is not correct.

Challenging the said order, the petitioners preferred an Appeal before the Commissioner of Land Revenue. On re-appreciation of the material on record, the finding recorded by the District Revenue Officer was confirmed by the Commissioner and by order dated 27-2-1998 the appeal was dismissed. Hence, this writ petition.

Though it is contended by the petitioners that they are legal heirs of protected tenants, nothing could be placed before the authorities to show that any protected tenant certificates were granted in favour of the ancestors of the petitioners. Even with regard to the possession, no material could be placed before the respondents 1 to 3 and after hearing both the parties the respondents 1 to 3 recorded a finding that the petitioners are neither protected tenants nor in occupation of the land in question.

The said findings recorded by the respondents 1 to 3 do not warrant any interference in exercise of jurisdiction under Article 226 of the Constitution of India.

Accordingly, the Writ Petition is dismissed. No costs.

G. ROHINI, J.

Dt. 22-3-2007
gbs